## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

TAMMY YVONNE GRUBB,	)	
	)	
Plaintiff,	)	
	)	Case No. 1:12-cv-322
v.	)	
	)	Judge Mattice
COMMISSIONER OF SOCIAL SECURIT	Υ, )	Magistrate Judge Carter
	)	
Defendant.	)	
	)	

## **ORDER**

On February 19, 2014, United States Magistrate Judge William B. Carter filed his Report and Recommendation (Doc. 16) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that the Commissioner's Motion to Dismiss or for Summary Judgment (Doc. 4) be denied.

The Commissioner has filed no objections to the Magistrate Judge's Report and Recommendation.<sup>1</sup> Nevertheless, the Court has conducted a review of the Report and Recommendation and the record, and it agrees with Magistrate Judge Carter's well-reasoned conclusions.

## Accordingly:

• The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);

<sup>&</sup>lt;sup>1</sup> Magistrate Judge Carter specifically advised the Commissioner that she had 14 days in which to object to the Report and Recommendation and that failure to do so would waive her right to appeal. (Doc. 16 at 7 n.1); see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings"). Even taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which the Commissioner could timely file any objections has now passed.

- Plaintiff's Consent Motion for Extension of Time to Respond to Defendant's Motion to Dismiss (Doc. 7) is **GRANTED**;
- Defendant's Motion to Dismiss or for Summary Judgment (Doc. 4) is **DENIED**.

**SO ORDERED** this 19th day of March, 2014.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE